

**MINUTES OF THE
AUBURN CITY PLANNING COMMISSION MEETING
September 21, 2010**

The regular session of the Auburn City Planning Commission was called to order on September 21, 2010 at 6:00 p.m. by Chairman Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Snyder, Spokely, Worthington, and Young

COMMISSIONERS ABSENT: Vitas

STAFF PRESENT: Reg Murray, Senior Planner
Adrienne Graham, Consulting Planner
Will Wong, Community Development Director

I. CALL TO ORDER

II. PLEDGE OF ALLIGIENCE

III. APPROVAL OF MINUTES

July 13, 2010
August 3, 2010

IV. PUBLIC COMMENT

None

V. PUBLIC HEARING ITEMS

- A. BALTIMORE RAVINE SPECIFIC PLAN (BRSP) AND STUDY AREA PROJECT.** The Auburn Planning Commission will hold a public hearing to review and take public comment on the BRSP Project including the General Plan Amendment, Specific Plan, Rezone, Large Lot Tentative Map, Development Agreement, Environmental Impact Report, and Statement of Reasons for Permitting Development within a Mineral Resource Zone. No action will be taken at this hearing.

Planner Graham gave her staff report on the Baltimore Ravine Specific Plan and Study Areas project, noting that the purpose of this meeting was to review the project and take comments from the public. She discussed the review process to date and provided an overview of the project and its components, including location; size; land use; zoning; phasing; project access; Herdal Drive and access options; Bloomer Cut, the environmental impact report; and design guidelines. The entitlements associated

entitlements associated with the project were also reviewed, including a large lot tentative map and a development agreement. It was noted that no action would be taken at this meeting and that a subsequent meeting had already been scheduled for November 16, 2010.

Chair Spokely addressed the audience, reviewed how the meeting would be conducted, and noted that the next public hearing for the project had already been noticed for November 16th.

Commissioner Worthington asked for clarification as to when the final environmental impact report (FEIR) would be addressed.

Planner Graham indicated that the FEIR would be available to the Commission and public prior to the November 16th Planning Commission hearing with sufficient time to address prior to the hearing.

Stephen Des Jardins, 130 Diamond Creek Place, Roseville, CA, applicant for Baltimore Ravine Investors LLC, reviewed the proposed project including issues such as processing history, land use, environmental review, design guidelines (e.g. slope policies), and the development agreement. Mr. Des Jardins also noted the support of the project from the Sierra Club.

Scott Johnson, 15215 Bancroft Road, Auburn, expressed concerns that the project would impact water courses and degrade water quality, particularly associated with potential releases from the Auburn waste water treatment plan and detention areas. Concern was also expressed that lower impact development should be proposed, and that the City should maximize infill development before looking at new development areas, as means to reduce impacts to water courses. Mr. Johnson also expressed concern about whether the project would “pay its way” to mitigate its impacts, and questioned the financial strength of the developer and whether the project would be started and then not completed.

Commissioner Snyder asked Mr. Johnson to clarify if he thought the project would not pay its share toward sewer fees and whether he thought that wouldn't be sufficient.

Mr. Johnson noted that the EIR states that cumulative development exceeds the capacity of the plant; but that this project will only pay the usual sewer fees and that this doesn't seem to be adequate.

Planner Graham noted that under cumulative conditions for build-out of the City, the plant would need to be expanded to accommodate all growth in the City, including the BRSP project. This project would pay its fees for the necessary improvements to the sewer plant, as would other development that occurs in the City.

Commissioner Snyder noted that the City periodically identifies the necessary improvements for the sewer plant and the necessary fees to pay for those improvements to insure sufficient capacity.

Elinor Petusky, 835 Hoyer Lane, Newcastle, commented that Indian Hill Road is a dangerous road as a result of the development in the area over the years. She wants the County and City to get together to figure out how to address traffic on Indian Hill Road because the BRSP will add more cars to this road. Ms. Petusky proposed that a benefit area should be set up to assess traffic fees to improve Indian Hill Road and Ophir Road, and that the BRSP should not be approved without this fee.

Kathy Allen, 11115 Oak View Terrace, Auburn, stated that she does not like or support the project and wants the project area to stay as is currently is. She was astonished at the support the project received from the Sierra Club. Ms. Allen questioned the traffic analysis in the EIR, stating that she believed that the AM peak trips were too low. She also questioned why the volume of new trips on Herdal Road does not constitute a significant impact. Ms. Allen also questioned the Herdal access for the project since it has a negative effect on her and her neighbors, and noted that in the analysis conducted by staff on access alternatives, cost should not be the deciding factor. Ms. Allen also questioned the accuracy of the EIR since it was paid for by the developer.

Tyrone Gorre, P.O. Box 1538 Meadow Vista, identified himself as a fisherman of native descent and that he's caught fish nearby downstream of the BRSP in the past. Mr. Gorre stated that watersheds are whole, living things and that the Baltimore Ravine watershed is a spiritual area that should be studied and preserved. He requested that Native Americans be given the opportunity to have a voice in this project's process.

Antoinette Fabella, 395 Huntley Avenue, Auburn questioned what protection would be in place during grading from the residual chemicals that could still be on-site associated with mining in the olden days. She also noted that the supplemental notice analysis recommends 7' and 8' tall walls on Herdal Drive due to increased traffic and noise and doesn't believe that walls of this height are in character with Auburn.

Ms. Fabella noted a possible contradiction with the General Plan Amendment and when the UHDR land use designation would be applied to Future Plan Area 2. She recommended that Future Plan Area 2 be left as Urban Reserve until Plan Area 1 has been completed and the City has determined that additional housing is needed in Auburn.

Ms. Fabella provided several comments about the Development Agreement. She recommended that the development agreement for Plan Area 1 be revised to state that Plan Area 2 will retain it's designation as urban reserve. She also recommended that the DA be amended to identify in detail all of the water, wastewater, drainage, flood control, and water quality improvements for the project. Ms. Fabella also

Ms. Fabella also recommended that detailed language be added to the DA regarding the preservation of cultural and natural resources.

Ms. Fabella commented on several other points, including:

- That there are a large number of homes available for sale in Auburn and the surrounding communities.
- The Mercy Auburn Senior Apartment project on the Sisters of Mercy property, along with the BRSP, will greatly impact noise and traffic. It also did not have any cultural considerations, despite knowledge of a roundhouse on the property at one time.
- She noted that the applicant, Mr. Des Jardins, is only a land developer and that he won't complete the project, but will instead sell his land to home builders for them to build and sell homes.
- She commented that the applicant filed for bankruptcy for his Diamond Creek project in Roseville.
- She stated that the project is too dense and is not appropriate for the City.

CC Dalton at 11085 Oakview Terrace, Auburn, expressed concern that Herdal Drive was the single main entrance for the project. The large size of the project will create a big increase in traffic, and that traffic is too much for Herdal Drive or the Herdal/Auburn Folsom Road intersection to handle. The existing commercial development on Herdal, and associated delivery trucks, adds to the problem for the area. Ms. Dalton suggested that more than one entrance to the project from Auburn Folsom Road and recommended the intersection at Pacific Street and Auburn Folsom.

John Murphy, 11075 Oak View Terrace, Auburn, expressed concern about why the applicant wants to build the project when the economy is bad and there are high vacancy rates. He also suggested that there be a requirement that developers live in the area that they develop.

Kim Dahlin, 590 Rogers Lane, Auburn. Ms. Dahlin commented about how Auburn has changed over time, and that some of the people expressing opposition to this project were not in Auburn at one time, but moved to it because of what it offered. She also observed that the project offers a well thought out, planned development, and that the project applicant has made many efforts to provide a quality development.

Gina Whiskus, 10930 Oak View Terrace, Auburn, addressed traffic on Herdal Drive. She provided two pictures of a delivery truck in the middle of Herdal Drive and how this negatively affected traffic.

Ms. Whiskus: So I have many issues with this project as do a lot of other people but my main issue is the egress and ingress of this project. Herdal Road is just not enough for 750 homes. If you look at Maidu Road, Falcons Point, Skyridge, that

whole area, that's not even, that's maybe half of what this project is going to entail and they have Maidu Road, Shirland Tract, several ways to get in and out of, you know, of their subdivision on all sides. And this is one single road and as I said, I couldn't turn out to make a legal left. And the people in the other subdivision where Circle K is, they couldn't make a legal left either and that truck sat there for a good 20 minutes while it was making deliveries and that's not the only delivery truck that does it. It just happened to be there that day. So, you talk about not doing another road because what was in the report I read. It was that Herdal is the least environmentally destructive road. What about all the destruction of the environment to build homes? That doesn't count? So, or money, shouldn't be an issue when you build a road. It should be safety. And Herdal, you know, my home is impacted because I'm going to lose all my trees. Not only trees on my property but trees off my property. Three oak trees will be, that are heritage oaks, will be destroyed. Trees that we've planted, granted they're not on our property, they were on city property but we had a fire behind homes when they were building homes behind us and we put the fire out we decided that if we're going to have to take care of the property, because the city never took care of it, my husband would go out and weed whack the weeds when they'd get this high, we decided to do, to plant some trees to at least make it environmentally safer. So I really hope that, as a commission that you think about other accesses into this property. You know, if the City of Auburn wants to tear down all the trees and build homes, that's your decision but at least make it a safe entrance. Thank you.

April Moore, 19630 Placer Hills Road, Colfax. I was here at the last meeting before the commissioners and I made a statement and a comment pertaining to traditional burials on site. Since then I have been able to do some research and one of the things I did find to back up my statement is that the Bloomer Ranch did not encroach on the Maidu Cemetery, which is on the other side of Auburn Folsom Road. I managed to pull up a map and in the process of finding this information at the Placer County Archives we came across the name Bloomer but no record of the deed to a Bloomer. So apparently the gentleman or the family was homesteading, then somebody else came along and purchased the property by legal means and so on and so forth, where it became property of the Campbell's but still retained the Bloomer Ranch name. So I'm eluding back to the point on my death certificates that I accumulated from the Placer County Records Office the death certificates for Native American Californians began in 1873. The name Bloomer Ranch for the burial site went on into the 1920's. So that's putting a stretch on having people there but, previous to 1900, the native people cremated their dead. And usually did it in a specific site. So after 1900 you would have had intern burial. So I'll move on; I'm proving my point that I've backed up my comments and statements from the last meeting.

After reviewing the documents of the Baltimore Ravine project I needed to make a couple more comments pertaining to the cultural aspects. One was a very good presentation in the Baltimore Ravine project of having an archeological handbook for employees who will be working on this site. It was a good handbook, if you're

working on the ground and you had a certain amount of training. This is not something a person learns on the spot.

And the other issue I have other than the handbook being very nice is the fact that the people who are doing the earth moving are going to be in large equipment. They're not going to have the opportunity to look over every few minutes to see what's underneath them if they're disturbing any kind of historical or pre-historical site. It'll be after the fact that they'll see anything, at all. And then, in most cases, that's called a disturbance and that destroys the integrity of that specific site. You're destroying physical evidence. So that puts that all back in that the whole area loses its value, more or less. My recommendations would be to have an archeologist and Native American monitors during all the phases of ground disturbance. And in some cases, the Tribal Historic Officer walks in front of the heavy equipment before the ground is destroyed to see if there's anything visible on top of the surface. I'm not saying that this project has to do that but that's an example of how intense some of these groups get with preservation. If, in fact, there is an area that is sensitive historically or culturally, they put these cultural easements in and protect them for the future and the history and the integrity of the community. I would like to see another survey done, not so much as a physical survey walking through again because it's been done several times and if you've obviously been out there to see how tall the grass and the vegetation is. I am a Native American monitor and a consultant and, what they call an archeological technician. So I have had a lot of experience in this field so I feel my recommendations have some validity. One of the things I'm suggesting on specific areas is having someone come in with ground penetrating radar where it can see disturbances under the ground and it's used frequently for burials and um, disturbed areas.

And in the Appendix J, in the Archeological and Historical Properties information on page 31, one of the conclusions and recommendations it was said within the project site be further explored prior to any earth moving activities. This is what I am agreeing to and I think it's an appropriate measure and, concluding, I, unlike so many of these other individuals, I don't see this as a real worthwhile project. Probably in the future, but in hearing the comments from these other folks, and how many homes are being left available on the market or being, not a kind word, repossessed. I find it really hard to allow this project to go ahead at this time or anytime within the next 15 years. I know it's in the city's best interest to have as much housing as possible for all levels of income but, for the tax base also. It's kind of basically what most cities and what organizations look for; some kind of revenue. So once again, I thank you for hearing me.

Jack Sanchez, 3675 Larkin Lane, Auburn. I'm also the president of Save Auburn Ravine Salmon and Steelhead whose mission is to restore salmon and steelhead to the entire length of Auburn Ravine and as Scott Ty and Antoinette pointed out earlier, I think that you should really take a very close look at the effluent that 700 homes would generate in ground runoff into Baltimore Ravine, into Dutch Ravine and ultimately be deposited into the Auburn Ravine.

As you all know, the City of Auburn is currently being fined by the Regional Water Board, Central Valley Water Quality Control Board and have been for the last few years. I was born in Ophir 70 years ago and I think the Auburn Ravine has been negatively impacted by the Auburn Wastewater Treatment Plant that entire 70 years. I cannot see how adding 700 homes whose sewage will go into the Auburn Wastewater Treatment Plant will not negatively impact the quality of water in the Auburn Ravine. Do you all know that you're being fined every month by the Regional Water Board? Do you know that? I suggest that you call in the Public Works Director Bernie Schroeder and her assistant, Dan Rich, the consultant and really talk to them about the impact that this development may have on the quality on our life here in Auburn generally and specifically on water quality in the Auburn Ravine and if the Regional Water Board decides that the Auburn Wastewater Treatment Plant is incapable of handling the sewage that is directed to it, the only alternative is to hook up to the Lincoln Regional Wastewater Treatment Plant, which, at last cost to the City of Auburn estimated at bring \$140 Million Dollars. Do you have that kind of money? So I really urge you to look at the negative impact on the Auburn Wastewater Treatment Plant and the Auburn Ravine. Thank you.

Chair Spokely called for a five minute break.

Chair Spokely reconvened the hearing.

Commissioner Snyder asked for someone from Public Works to clarify the nature of the sewer fines referenced previously.

Jack Warren, City Engineer. I've been keeping an eye on the Wastewater Treatment Plant and to explain this there is some truth in what Mr. Sanchez says but, he doesn't have the entire picture. The City is currently being fined for a violation of discharge requirements having to do with disinfection by-products and to put that in layman's terms it means using chlorine to disinfect. It started in March or April and will cease as soon as the brand new ultra-violet disinfection unit goes online completely, which could be anytime now. We're waiting for PG & E to put in new transformers. Then those fines will go away. I think they've amounted to about \$12,000.00 a month. The reason the City found itself in this situation is because it intentionally delayed the startup of improvements of on site wastewater improvements in order to give the Regional Sewer Pipeline to Lincoln project a chance to get going and it just didn't happen. So we found ourselves a little bit behind the timeline for violations that even though the Regional Board wanted to suspend the fines, they couldn't for legal reasons.

Dan Rich: If I could just amplify on that. Every wastewater plant is regulated by the Regional Water Quality Control Board. You get a permit every 5 years. Each permit requires more than the last one did. And that requires major capital improvements at your plant. And they give you a deadline to accomplish those improvements and they measure what comes out the other end of the plant basically. If you don't meet your deadline the board is without flexibility under State law to forgive you a mandatory minimum penalty. The Legislature required these mandatory minimum penalties

penalties because they thought the Regional Boards weren't being tough enough and because they thought that water quality agencies around the state weren't implementing their improvement plans rapidly enough. The Legislature just passed a bill that's on the Governor's desk to give the Regional Board some flexibility on mandatory minimum penalties because they're finding out that there are many situations like this one where we delayed, the City Council delayed the choice between a regional plant and a local plant. With support from the Regional Board for a period of months to see if we could make a regional solution work. So the community made a choice, knowing that we were running the risk of mandatory minimum penalties. In order to make sure we made the right choice for a long term multi-billion choice between a local plant and a state plant. So I don't want anybody to walk away thinking we've got an irresponsible city that's doing a terrible job of running its utility is being for it. That's not the case. What you got is a city that took the risk of getting mandatory minimum fines to make sure they weren't spending the ratepayer's money hastily.

Commissioner Snyder commented that Mr. Sanchez made a claim that the City had been violating the permit for the last 70 years. Jack, would you comment on over the period of time. I'm sure we have been fined in the past but, we have a clean bill of health in the future?

Jack Warren: We have been fined periodically over the last ten years that I know of for violations that occur at every plant. It's usually a one time violation of million parts per requirement. Many times they are excused or there is an error in the reporting data. It happens to everybody. It's not continuous and has not been continuous and over the years it has not amounted to any significant amount of money. It's erroneous to say that the City has been under continuous violation; that's just not correct. It might have been correct some thirty years ago for some period of time when the plant was not nearly running as well as it is today.

Commissioner Snyder asked what affect the Baltimore Ravine project would have on the operation of the plant.

Jack Warren stated that Plan Area 1 of the BRSP can be handled within the current permitted discharge without any problem.

Commissioner Worthington: There was another speaker, too. I think he was the first one of the evening, Jack that mentioned the Baltimore Ravine as an overflow area for raw sewage. Could you speak to that?

Jack Warren: I don't understand what that means.

Commissioner Worthington: I didn't either but, I was just wondering, he made that statement and then was referencing page 27 of the Draft EIR. That was Scott Johnson.

Commissioner Snyder: I think that has something to do with the winter time when we

we have infiltration into our sewer system because of the leaky pipes and so forth and so on. The flows go up by a factor of 6, 7, 8, 9, 10 and there's a greater chance during that but, at the same time, its more diluted than it's ever been, too.

Jack Warren: Yes, that's correct. That's more likely to happen in the older parts of town where we have sewer mains that are too small and always were too small or they're filled with roots. It's a continuing battle that every municipality deals with. And probably the most probable discharge basin would be Auburn Ravine down before it gets past Old Town, in the old part of our city. Lincoln basin, High Street, that part of town has had that problem in the past from time to time.

Commissioner Snyder: Lincoln Way has a very inadequate sewer.

Jack Warren: Yes

Commissioner Worthington: So, in conclusion, there is no designated raw sewage overflow zone in Baltimore Ravine, is that correct? Thank you.

Jack Warren: That is correct.

My name is Terry Davis, 235 Brook Road, here in Auburn and I'm speaking tonight on behalf of the Sierra Club. And occasionally chapters and groups do endorse projects to encourage and promote smart growth. And, you have the letter that we sent. We applied a smart growth checklist to the Baltimore Ravine Specific Plan. We looked at it holistically as if the two phases were completely built out of the Baltimore Ravine Specific Plan and, you know, fundamentally, what we believe is that growth should be directed to the cities. And we have a reputation of opposing a lot of projects and typically those were projects in unincorporated parts of the county that were way out in farm land or rural areas. This project is in the city limits; it's adjacent to existing growth. We have looked at this property. I am a lifelong resident of the area. I've always known that it was going to build out. The real question in my mind was whether it would be a smart growth project or dumb growth. And we distinguish between the two. This project, more than half the residents, the dwelling units would be clustered around a central core area where there would be shopping and a park. It would create kind of a compact, walk able central core that we like. This would enable more than half the residents to actually walk to local destinations; perhaps to shopping or people living in the project a short drive to meet some of their retail or commercial needs and in the process they're reducing their consumption of fossil fuels. They're reducing their carbon footprints. So that's something we look for in smart growth. We also like the fact, and its one of our items on our checklist, that 10% of the dwelling units would be affordable. That's very important to us and it's an environmental issue. The project also really respects the character of the foothills. It avoids steep slopes, as you know, of 20% or above. One of the things that really concerned us about the project and we talked to the developer about was that we didn't want to see huge homes with their big stem foundations kind of crawling down the hillside. We really think that destroys the character of the foothills. And so we were really pleased when he agreed to not build on slopes above 20%. The project, if

agreed to not build on slopes above 20%. The project, if you drive Interstate 80 as I have, for all my life, one of the real distinctive features is that Baltimore Ravine, which I've always loved. You look up there and it's a heavily wooded area just before you get to Auburn and that area is going to be, there's going to be no development in there. So, it's going to have trails in it for people to walk on. And, you know, it's when you incorporate a project density, and mixed use, you have these benefits of reducing vehicle miles traveled, of being able to protect important scenic open space areas, protect your hillsides and that's what this project does. The Mother Lode Chapter is a very large chapter and we have eleven groups like the Placer County one and we track a lot of projects in the foothills. And we get reports back at our meetings what's going on in Calaveras County, what's going on in Nevada County; all that we extend all way down to Yosemite National Park. We have never had a project that incorporated both smart growth and a respect for the natural character of the foothills as this one. This project, we think, is a model for future growth in the foothills. I wanted to make mention a couple of other things that have come up tonight. My interest in land use planning goes back about 20 years. When the city was doing, starting its General Plan Update I was on the County's equivalent on the citizens committee of the Auburn Bowman Community Plan Citizens Committee. So I've been looking at projects a long time and one of the ironic things that I find is, and looking throughout the county and I even look at projects in other counties, is that the best projects are the ones that are opposed the most because the worst projects are out in the middle of nowhere, out in rural area, out in agricultural land where nobody lives to complain about the traffic. So, it is just kind of an interesting fact that happens with smart growth versus dumb growth.

There are those who say, why foster new development, when we've got foreclosures, we've got a housing market that's dead. What in the world are we doing approving a new project? Well, I think when an opportunity comes along to really do a smart growth project you're really looking to the future. You're looking to absorb future growth in a very responsible way. I think that is exactly what this project does. I know that my perspective is not the most popular one in the room but, I'm actually proud of the City of Auburn for actually doing a project of this quality and I thank you for it. Thank you.

Commissioner Spokely: Mr. Davis, I have a quick question for you. I read your letter and I read through the checklist and I'm just curious to get a favorable mention incorporating all the policies, is there like a percentage that fall in your checklist? What's the cutoff?

Mr. Davis: Well, there were 14 applicable criteria and this project scored an 82%. So we don't have a formal cutoff. I think that we look at projects a little differently in the flat land than in the foothills. It's a real challenge in this terrain with these kinds of constraints to be able to real smart growth. So we kind of figure that in, too, and 82% was pretty darn high in our book, anyway.

Commissioner Spokely: Okay, thank you sir. Appreciate it.

Good evening. My name is Mike Emmert. I live at 10940 Oak View Terrace. That address is one of the 15 homes that backs up to the 60' right-of-way that was acquired by the City after I purchased my lot, after I built my home. Our forefathers shared with us at that point in time when they were developing the 60' right-of-way point that in essence was an alley behind these 15 homes; was one of many access points into the Baltimore Ravine Specific Plan and that it could be developed as a secondary point of access. Or best case, from our perspective perhaps an emergency access point. For over one million, four hundred forty thousand minutes Baltimore Ravine Specific Plan has held us hostage. We watched the last three plus years, the value of our houses decrease. We've had to share with potential buyers of our homes that there just might be a developer that wants to develop a roadway that's going to carry initially some 10,000 automobiles now down to perhaps 8,000 or 7,000 depending on the numbers. Interestingly enough, the developer's spent just about an equivalent amount of money in dollars as the minutes that we've been held hostage. The money, purchasing some expert opinions to put numbers on a piece of paper to justify and support that project and that access way. I've one question for you. Would you, willingly or knowingly, purchase or want to live in a house that backs up to an alleyway that carries 8,000 vehicles a day? Your vote to approve this project this main access point developed in that fashion would be telling the citizens of Auburn, "Yeah I'd build a house or I'd buy a house that backs up to a roadway of that fashion." Your vote would condemn the value of our homes and the quality of our lives for all those 15 that back up to the right-of-way and the other 60 homes that access Auburn Folsom Road off of Herdal Drive.

One part of the project that has been passed over is the fact that there's a tree on my property that I would guess has been there more than 200 years before this easement was created or this right-of-way that was created. And this project will amputate roughly 40% of the root system of that tree; basically condemning that tree to its death at some point in time. I hope that I don't live there when that tree falls on that house. Thank you.

Commissioner Spokely: thank you. Good evening sir.

My name is Richard Jaramillo and I live at 13730 Del Brook in Auburn and I am here tonight to support the cultural aspects of this project. I am from this area; I have a business in this area and I come from many generations of families from this area. I am Native American and I have specific knowledge of the portions of this area where there are concerns with going in there without the proper archeologists going in and taking a look at that property first. I don't have to reiterate what's already been said but I'm here to support the Indian community and having their way with having some experts go in there not represented by the developer. Thank you.

Commissioner Spokely: Thank you sir. Good evening sir.

Bart Ruud; 843 Sierra View Circle. I've lived in the Auburn community my entire life. I first addressed the board 53 years ago and it was at that time I was opposed to

some development that was going on; Auburn Valley and I have spoken against development after development after development and it's been my experience that it does no good at all to speak against all kinds of developments that are inappropriate for the area, inappropriate because they are in rural areas; inappropriate because there's really no vested need for development, so forth. Well, I have just some general thoughts and nothing specific tonight that I want to share with you. I would say, however, that it has been my observation over time that the big money always wins. It always wins because things go like a freight train through the night. The developer does everything that he or she may be asked to do and therefore that makes it lawfully right to do whatever is asked for. Does that make it right? I don't think it makes it necessarily right, that's my opinion. I think the wrongs started here a good many years ago. Something like 31 years ago we had the Urban Reserve Designation placed on this piece of property and I would suspect there was a certain amount of collusion between some folks in the community who were sitting on boards and had vested interest in some of those properties that are down that way in the Baltimore Ravine area. So the collusion and the fraud that went on, if there was such at that time, is something I suspect and I don't know that I could prove it and I don't even know that I want to try to prove it. But, nonetheless, that area was designated as an urban reserve when there was no particular need to do that. Right now we're operating, I think, on a General Plan that is something like 17 years old. I think that's a tragedy that we're going forward because I think the thinking today could be much different than it would be if we were not operating on a 17 year old General Plan. And why don't we have a General Plan? I suspect that we don't have an updated General Plan because it takes time to develop one; it takes money and nobody has the money or a vested interest in doing that so we just let the freight train roll. Well, we can go forward with this plan because it is a well thought out master plan, but is that any rationale for doing that? I think if we were to really look at community sentiment we would find that the community is opposed to this development in general. Now, there's always a win and there's always a lose. And so, I would say that I lose and there's reference in this big document that we have had a chance to look at, the EIR and there's reference after reference after reference that we are going to benefit; that the residents of Auburn are going to benefit from this development. I don't know what those benefits might be. I can't think of a single benefit for myself. Well, that's a selfish approach, but then, whoever said that I wasn't selfish. I am, not in my backyard and I'm proud to say that I don't think I need it in my backyard. But, nonetheless, this thing will probably go forward because the freight train rolls. I would think that it would be fair and just for the public at large to vote up or down, whether or not they want this urban reserve development developed at all and that goes back to the 17year old General Plan. We've put the cart before the horse; the horse is out of the barn; the train is running down the track and here we are today. A lot of thought and a lot of money have gone into this whole thing. I admire what the Sierra Club has done; I don't necessarily agree with them but I, with due respect to the Sierra Club for its concerted look at what has gone on. In fairness to them, they have the right to take the stance they have. I too, believe in smart growth. It doesn't necessarily mean I believe in what we're doing here. The SACOG people have approved, again, you know, they have their own vested interest in letting these kinds

of things happen. There are some people that think they know what's best. What's best in the present is not necessarily best for the future and we heard a statement tonight that if we have a good plan in the present; it is developed with the thought of what might be best in the future but I cannot see the future and I don't believe that the Planning Commission can see the future very clearly either. We all know that we're going to have development that's going to go forward and that there will be more people and that people need a place to live and we also know that there are hundreds upon hundreds of approvals already on the books where people could live with infill and so on and so forth. So the 790 dwelling units that are spoken of are not going to be happening overnight. I'll probably be dead and gone before they're built out and maybe I'll be the winner in that case. So, you know, who wins, who loses, I'll lose for a time but in the end I'll win because I won't have to live with the debacle that's left behind in terms of traffic and all the rest of the things that we have to have here. I have a feeling that some of our public officials who are elected are really afraid to stand up and say what they need to say because there are elections and they would like to be elected because they have an agenda; they have things they would like to do for our community but they won't come out and just say what they really want to think or what they really think because there's no gain for them to do that. So if the politics could be kept out of it, it would probably be a fairer review of what is going on in this whole scenario. So, my general thoughts, of course you know what they are because you've seen a documents that I've written and sent forward to you; whether you've read them or not, I really don't know. I feel like I am being violated; in some sense I feel that there is a possibility under the equal protection clause of the 14th amendment that I'm not being protected because what will occur will reduce the quality of life that I currently enjoy and I find that that's kind of a tragedy. There's probably case law somewhere or case study somewhere that talk about protection and equal opportunity so maybe that's something that needs to be looked at. So I appreciate the fact that you have public hearings and you allow people to come down and voice their opinions and again, I would say, if this were put to a vote of the general public on a ballot measure that this would not go forward and that we would demand before it goes forward perhaps an opportunity to review the General Plan and to review the very fact that we have an Urban Reserve area. Thank you.

Commissioner Spokely: thank you sir. Good evening sir.

Mr. Chairman, members of the Planning Commission, I'm Kevin Hanley, Auburn City Council. I live t 104 Haswell Court. Because I could be put in a position to judge the ultimate project, I'm not going to comment on the project itself, but I do have one point of clarification and one point on process.

I think several speakers have indicated that the SACOG board supports this project. That is not true. I serve as Auburn's representative on SACOG. SACOG consists of 22 cities and 6 counties. We are a regional transportation body. We have, in order to provide better transportation, put out a blueprint plan, which has some general principals on smart growth and how to develop. But I have served on SACOG for 6 years and the board itself, the 28 member board has never voted on a specific project,

project, including Baltimore Ravine. Now, the executive director, Mike McKeever of SACOG, likes the project. He thinks it is consistent with the blueprint principal. So the executive director has an opinion on it; the board itself has never voted on it. It's equivalent here in Auburn of the City Manager indicating support for something but the City Council not actually voting on the proposal. So I wanted that clarification made.

Secondly, on process; I believe that the Planning Commission is highly skilled and experienced and I would support any Planning Commission decision to have more than one hearing than the November 6th hearing if you feel you need it because I believe you should not be hurried to make a decision on the most complex development in the history of Auburn. All your questions should be answered; all the conditions of approval should be examined line by line. You should feel comfortable with Phase I, further phases, for the future of Auburn; all the costs, the transportation, all the alternatives examined. So I as one City Council member would support the Commission having adequate time, multiple hearings, whatever you want to do in order to make the right decision for the future of our city. Thank you.

Commissioner Spokely: Thank you sir.

Commissioner Worthington: Adrienne, could you address that, if that were unanimously decided, how would we initiate something like that?

Planner Murray: Well, if the City Attorney wants to address that as well. The Commission has the discretion to set the review of the project as they wish. The staff, when we put out the initial notification for the public hearing notices for tonight's meeting and the November 16th meeting identified today as a "no action meeting" so it was known that no action was going to be taken. This is simply to initiate the process. The notification for the meeting on the 16th is only the first available meeting the Commission has. So if on the 16th you still feel that there's additional discussion, questions, etc. the Commission still has the ability to continue that discussion as needed.

Commissioner Spokely: Thank you Reg. Good evening.

My name is Jennifer Jaramillo, 10730 Bell Brook Drive in Auburn. I'm here basically tonight to, I've reviewed the documents and the maps and actually grew up around the Indian Rancheria area and I'm very familiar with this area and I've been told very many stories about this area and the history of this area and the special significance it has to Native Americans. I support what Ms. Fabella was talking about; in looking at the agreement, it seems very broad and I would like to see more specifics in the agreement because it is so imperative we examine every aspect of the environmental impact that this will have on our community. I do feel that it is being a little rushed and again, just clarity in the agreement of what free reign the developer will have with this property. I do support the fact that we do have many, many homes for sale in our community. There's no shortage of homes. Many of these homes are owned by

these homes are owned by Auburn natives that are wanting to sell their properties and I just don't believe that it's the right time nor right location for this kind of project. Thank you.

Commissioner Spokely: Thank you very much. Do we have anybody else that would like to speak this evening in favor or against the project? Hang on one second, Maam; let's get through everybody who wants to initially speak if we could. Okay, seeing we no more, we have a couple folks that have asked to come up and have a brief moment to discuss some of the topics that have been discussed. Mr Sanchez, please keep your comments brief.

Mr. Sanchez: Thank you for letting me speak again. I want to thank Mr. Warren for confirming my contention in that the Auburn Wastewater Treatment Plant is being fined to the tune of \$12,000 a month and has been for some time. My earlier comment, I don't know how long the Regional Water Board has been in effect and I certainly, as a 12 year old didn't log the number of fines that the board directed to Auburn but I can say that growing up in Auburn, growing up in Ophir, that the Auburn Ravine would emanate such stench at times that we couldn't even sleep. There were massive fish kills, time after time and anybody that lived in Auburn, on the Auburn Ravine like I do, like I did, and do, would have no problem at all knowing that the Auburn Wastewater Treatment Plant has been defective for a very long time and that why the Regional Water Board has urged Auburn to the Lincoln Regional Wastewater Treatment Plant because it's ineffective and the only reason you haven't connected is it cost \$140 Million dollars to do it. Thank you.

Commissioner Spokely: Thank you. If you'd like to come up Maam. Please restate your name if you would and address.

Kim Dahlin, 590 Rogers Lane, Auburn, California. I just wanted to say, I know my husband's not here and I know he wanted me to make this comment and I forgot. In all of 9 years that we've lived here we're never had one person from any Indian tribe ever contact us, and we're very easy to find; no one's ever called us; no one's ever knocked on our door; no one's ever traveled our property. The only people we've ever seen travel our property are homeless people. The property is private and is not visible in any way so we would see people. No one has ever contacted us so I just wanted to make that clear.

Commissioner Spokely: Okay, that you very much for that clarification. And, Maam, if you have another quick comment you wanted to make before we wrap up here tonight.

Commissioner Snyder: With new information

Again, my name is Antoinette Fabella, 395 Huntley Avenue. Because the documents and the EIR and all the documents at least that I read, unless I missed something, again, did not specify whether any urban development or any redevelopment money is going to be put into the project. But I just wanted to let you know that on May 11th

know that on May 11th of this year the State of California recalled \$1.7 Billion dollars from counties throughout the State of California from the redevelopment agencies. In Roseville alone, Roseville had to ...

City Attorney Michael Colantuono: Mr. Chairman, this project has nothing to do with redevelopment.

Ms. Fabella: Okay, well, I just want to make sure because nothing was said in any of the plans...

City Attorney Michael Colantuono: It's not in the redevelopment area.

Ms. Fabella: Is it Urban Development?

City Attorney Michael Colantuono: It's a similar word meaning different things. Auburn Urban Development Agency is a unique name for what is called in other cities as a Redevelopment Agency. A Redevelopment Agency can only be active in areas that were previously developed and are now blighted. You cannot have a redevelopment project area on vacant land. Although the zoning ordinance and the City's label for redevelopment use similar words; they're completely different things. To put it more pointedly, there's no public money in this project. This project will be entirely privately financed, including the developer's obligation to reimburse the City's cost to have me sit here tonight and to have Ms. Graham sit here tonight.

Ms. Fabella: Thank you for that clarification because it wasn't in there and I do know that that does come out of tax money, property taxes, so thank you.

Commissioner Spokely: thank you. At this I go ahead and invite the applicant back up for some closing comments.

Stephen DesJardin, 130 Diamond Creek Place. I do want to thank Council member Hanley for the clarification on Mr. McKeever's support versus SACOG because I think a lot of us just read what we saw in the Sac Bee. I think it was less clear in the Sac Bee, which gave it more of a SACOG definition so I appreciate the clarification.

I wanted to go over a couple things. I didn't want people to leave here with certain impressions. One of the previous speakers said I had filed bankruptcy and was using that as a pawn in this project. I have never filed bankruptcy; I'm not in bankruptcy now. I understand, I think, her confusion and that is Diamond Creek, that development entity, has 360 acres in Roseville, and that 93% developed out with homes built, residents there, a bank wanted to not renew a note. So Diamond Creek filed Chapter 11 and then exited from Chapter 11 and is not in Chapter 11 with the support of that bank. Now, in globally economic recession, I have to say that Diamond Creek is one of the few companies that entered and exited Chapter 11. So that's not a bad thing; it's a good thing.

I also heard a previous speaker the developer should live in their project. I do. I live in Diamond Creek. I would anyone here to please go to Diamond Creek and drive around and look at the design of that project. Look at our bridge design; look at our roadway design; look at the roundabouts. Look at the focus on the 51 acres of parks and open space in the center and the trails up against the riparian oak corridor; the dog park and all those things and we also own the La Provance Restaurant and Terrace so while you're there, have a meal. And so these things that make a community, and I would invite anyone to call me and have a tour because these are important concepts.

We're not talking here about things that don't affect people's lives. Design issues matter. When we talked about walls we talked about colors of walls; we talked about caps on walls. There may be another misunderstanding: what does the developer do. There aren't many developers who are also home builders. A developer lays out the infrastructure of the project, lays out the standards and those are in the Specific Plan. This Specific Plan is by far and away probably one of the most color inclusive specific plans I've ever seen on any projects. And the reason is in that plan; if you look at the plan, it says do's and don'ts to give guidance for subsequent planning commissions, subsequent staff and subsequent home builders. What is a good wall design? What is a bad wall design? What's a good home design? What's a bad home design? And so, when Terry Davis was talking about not liking stem wall foundations, and one of the terms you will hear about is vulture houses, yet these huge houses hang over the edge of the cliff. We got rid of that problem with the policies in the plan. So I would hope that people would really look at the detail of that plan because it's really meant for the notion for the people who are here after us. These plans have long lives. If you want to see how detail plans work, please go visit Diamond Creek

The comments on the village: The village infrastructure is 100% built out now. We don't have unfinished roads; we never have. I've never had an unfinished road in my entire life. Fundamentally that can never happen in a proper city; when a city approves improvement plans for roads you also require bonds. If a developer didn't finish it would use the bond to finish the work. That's the way things get done. Now, again, we've never had anything not covered. I don't want people to think there are not the mechanisms in place to make sure things happen. They are in place.

Regarding Herdal, I think there's a little bit of confusion. We actually own the easement over Herdal that gives us access. So we bought the property. Our title company insured access through Herdal because we own the easement. The City of Auburn owns the underlying property. That's really important because you have planned many years ago, I think it was 20 years ago plus, that gives us an access point. You acquired the property; the people before me acquired the easement and now it is laid out. That puts notice out there for people to look at if they choose to. If you choose to take that level of planning and abandon it and move it some place else, you would have a score of people coming up and saying "This was never planned

planned here. What on earth are you doing? You don't own the right-of-way. You want to condemn the right-of-way? You want to sue me for the right-of-way?" So that is the definition of a (nim-be?). Don't put in my backyard; put it in someone else's. But in this case, it was planned for a roadway here and that's why you own the right-of-way. It's a very big distinction; you can't just move things around without truly upsetting someone else's backyard; in this case it would require condemnation and lots of other issues. And we don't have one access point; we have two access points. And we have a third that's EVA; I very important point for fire issues. The EVA actually is not for our benefit; it's for other people to get out on Perry Ranch Road because we have two access points without it.

Regarding the cultural issues: I'm glad that April Moore liked out handbook that's in there and it's important to note that the UAIC, United Auburn Indian Community, was contacted. They went out on the property with staff; they brought out their own consultants; not my consultants, I did not even attend. The City was there; the architect was there and the UAIC had a tracker there; somebody to look for sites. All those comments made it into the mitigation policies which deal with everything for cultural issues. So, I would invite you or anyone to look at those mitigation measures for cultural and certainly, you can direct staff to re-contact UAIC and see if they are unhappy with any of the measures because I keep hearing their name being brought up as if they were not included. They have been included; very extensively. I think that's important.

Our sewage does fit within the existing sewer Treatment Plant capacity; period. We are not causing any problem at the sewer plant whatsoever.

Mr. Emmert mentioned that his tree will be killed by a 40% cut into the roots. I don't know where that number comes from. The design of the road has been done at grade. It should not affect his tree whatsoever. We're very happy to go out and do any arborist work to further that supposition, but there's tremendous work done by the engineer to be sure that we're not affecting that tree detrimentally.

I don't like the notion of ballot box planning. Since working a project since 2006 I don't think we're on a freight train. If we are, it's the slowest freight train on the track and so I just don't think that this is a fast process. It certainly is not for me. On the part of additional hearings; here's the part where as a developer you've been here since 2006 and its like "Oh, can we get this over with, you know, can we get this done". That's the part as a developer you should restrain yourself and so I want to say for Commissioner Worthington, if there's a desire to have more hearings and beyond when the next one's scheduled, if that's helpful, you're not going to see me oppose that. I will hope that we won't have to need more hearings, but I would say anyone in my position that says "I can't stand one more hearing"; that would be a silly thing to say. So if we can get everything done to answer your questions at that hearing, that would be wonderful. If not, you will see me support your desire for another hearing.

This has been a great deal of work by a great deal of people. It's a wonderful plan. I don't think there is any point in waiting because I don't know how on earth it gets better than the support we have to date and everything from that standpoint. It takes more time to understand it; that's helpful. What I hear today is the age old problem of commissions like yourself and city council and does the city plan for future growth or not. Some cities choose not to and notify businesses and other people that would otherwise invest in that community, they adopt ordinances that basically say they are a no growth city. As we looked at Auburn over many years we never viewed Auburn that way. People chose to invest here and obviously we have invested a great deal already and we look forward to continue to invest in Auburn. We like that. There are cities that say they are a no growth city and I think that's fair because they put out there, "don't come invest with us in business or growth because we don't want it". That's not what Auburn has been in the past and I hope that Auburn doesn't become that way now that I've been working on this since 2004 but obviously that's not up to me. And so, with that, thank you for the opportunity to correct a few misconceptions over here and again, I would be happy to have anyone contact me who wants to look at some of these things on the ground that we use for policies because we are very proud of this document, very proud of the standards and I can show on the ground examples virtually everything that's discussed.

Commissioner Spokely: Thank you sir.

Commissioner Snyder: Mr. Chairman, I have a question. There was one statement made that Mr. Emmert, I think that's how you pronounce his name, that building his home preceded the Herdal extension right-of-way. What's that all about?

Mr. DesJardin: I don't know. I don't know how he built his home. The Herdal right-of-way has been out there for quite some time. Maybe staff has the answer. I thought I heard staff say it's been out there for 20 years. I can't speak to that; I don't know when he built his home.

Commissioner Snyder: Do you have anything on that, Reg?

Planner Murray: I don't have specific dates but, in general, the Herdal area is part of the Vista Del Val development. That included many phases. I think there are five or six total phases. Mr. Emmert's property is on the north side of Herdal. That was an earlier phase. That was two or three, I believe. My recollection is there was an original master plan for the larger Vista Del Val development and whether, I can't rightly say with 100% certainty that the Herdal was shown in some way shape or form in an earlier plan as being in its current alignment but there was call for a connection from Auburn Folsom to Bloomer. So the Vista Del Val III, let's call it, which is Mr. Emmert's subdivision, did predate the actual dedication of the roadway. It wasn't until the subdivision immediately following, Vista Del Val IV, that the roadway was actually dedicated.

Commissioner Snyder: Can I ask Jack; you've been around a lot. You've seen subdivisions in Auburn. Does that make sense how that could have happened?

Jack Warren: I would agree that Reggie's explanation of the sequence of events is not unusual.

Commissioner Snyder: That the first phase may not have been obvious that Herdal was going to be extended.

Jack Warren: Possibly. We don't know what people were thinking but, that's very possible.

Commissioner Snyder: Well, they can think what they want to think but, it may have been possible that it wasn't obvious that Herdal was going to extend further into the area.

Jack Warren: And then, a few years later, it was.

Commissioner Snyder: Okay, thank you.

Mr. DesJardin: I have one more piece of clarification of that. In 2007, when we had the scoping meeting, when this room was full and the upper area was full as well, Mr. Herdal actually was here at that meeting. It was kind of delightful because he found me out and it happened to be at that time that someone was saying "Gee, who's the crazy person who thought about putting a road here?" He raised his hand and answered, "That was me, I'm Mr. Herdal". So he handed me the map and in the letter with Marion Cheveraux, who owned the property then, had the easement across that. I think what happened is, when Mr. Herdal did the planning, shows on the map, put the dedication, which Mr. Emmert is focusing on, came years later. It didn't mean it wasn't planned; it didn't mean that it wasn't on the map, and had he walked in to the city at that point said, show me all the maps, he may have found it. Again, I don't know but, the dedication will typically go sometimes years after a planning map. So I am confident from talking with Mr. Herdal and because he has given me the map, which I still keep, which it's a nice little relic to keep from many years ago, that's it been out there for quite some time.

Commissioner Snyder: It would be one of those remnants of the subdivision mapping and dedication process that would have made that timing happen.

Mr. Des Jardin: Yes, exactly. You had the planning before, but typically, a lot of times, cities don't accept rights-of-way until later and even sometimes not until they have improvement there. So this is actually a case where you own the property prior to the improvements and sometimes, in other areas, you would not do that. For example, if I build roads in Baltimore Ravine, should approve the project, I don't expect that you would accept those road rights-of-way prior to having the road built. So here is a case where you actually accepted the right-of-way, as you should, to be sure you owned it for the future planning at that point and then Merriam/Cheveraux

had the easement over it and so when I acquired that property I acquired the easement. So, again, its been out there for many, many years in terms of planning.

Planner Murray: If I may, on tab R of your packet; that is a memo that staff put out for the Planning Commission March 26th of this year. On page 2, it reviews the historic access issue and again, while it doesn't get into the detail of specifically when Vista Del Val III and Vista Del Val IV, what the actual timing was, it does note in 1987 Vista Del Val IV was done and that's then the roadway was dedicated. Prior to that, in '85, there was the road access study. Prior to that, in the '70's, it was identified that there would be a separated grade crossing over Bloomer Cut. So it was something that for a number of years had been looked at by the city as having that general area as a defined access point.

Commissioner Worthington: And maybe we could tie in this historic photo now. Why you presented us with this; there's nobody from the Placer County Historical Society here. They were during the draft environmental impact report process. I think what's important this, which maybe you could clarify, is that it shows the bridge over the Bloomer Cut, which was mentioned and I was curious as to how the final environmental impact report would address the comments of, "Is it allowed to have a bridge over a historic resource" and it looks like historically it was according to this photograph. Maybe you could expand on that a little bit more.

Mr. DesJardin: I will. I will expand by saying it was not my intent whatsoever to make an EIR comment. It was my intent from the standpoint of saying that there are very specific rules and we had experts in the room to talk about what happens with these historic resources of this respect. My comment was, it was more from talking, we had the citizen tours, I rode with some of the historical people and it was one of the people who was talking to me and it was that very interesting quote that you said, you know, I talked about this. It's actually a flume that conveys water but looks like a bridge and so I described this to him and he started laughing. He said "You know, that just goes to show how we are as a group. Do I look at it before the flume? After the flume? Where's my reference point?" He's the one that gave me the quote; is that my history, my grandfather's history, my great-grandfather's history", because these resources exist for quite some time and they do change over time. So people say because it's unchanged, it's not unchanged. Look at that photo and go out there. It's very, very different. It doesn't have the flume over the top anymore. So I did not mean to make our comment more of a logic common sense issue of at what point do we draw the line on this thing?

Commissioner Worthington: Well, more to the point of the extension. This crossing over Bloomer is in alignment with the Herdal extension.

Mr. DesJardin: Exactly in alignment.

Commissioner Worthington: That's historically what we're trying to say. Where did that get mapped and decided back in time here in our city's history?

Mr. DesJardin: It was really done in gold rush time and also to show the basic logic of where to put roads, engineers of yore hopefully find the same logic as engineers of today. Its really fascinating when you look at our roadway system; it follows the railroad typically. Well, of course it does. I mean the railroads first went out there and they found the locations, you don't go and re-do those things initially. And just as development grew north towards Folsom because that's where the water supply was. And so there's very logical reasons for things to occur so if they would put the flume there, the Herdal extension, back in the time of that photo it's because that is the logical place for it to be.

Commissioner Worthington: Do you need to comment, Adrienne?

Adrienne Graham: I was just going to point out that the cut is actually something like 800 feet long. I don't think we know where the flume went over the cut. The cultural resource analysis determined the cut, as it exists today is a historically significant feature, but that the project wouldn't have a significant impact on it because that bridge is not going to touch or in any way harm the cut. So the two issues are a little bit different from each other and if you want any of that elaborated on, we do have some cultural resource folks here that can talk about it but I did want to make sure we kept those issues separate. I don't know that the Herdal extension is related to where that flume was but, as Reg said, since the late 70's there's been assumed crossing of Bloomer Cut with a road connecting out to Auburn Folsom somewhere like, actually a number of places on Herdal Drive.

Commissioner Worthington: Thank you.

Mr DesJardin: I have more confidence on the location from other photos.

Commissioner Spokely: Commissioner Young has another quick question for you Stephen.

Commissioner Young: Thank you very much. I would like to go back to the cultural aspect of it. I know you spoke about those a few minutes ago and the work you did prior to today. Could you speak very briefly about what you plan on doing during development so that when we were to develop that property, what would be the safeguard that would be in place?

Mr. DesJardin: Okay, first off, I would direct everyone to the cultural section and the mitigation measures there because they lay all this out as well as it is actually in the Appendix EIR, the handbook that every worker must be given on site. It's a four color handbook that is very well done, prepared by PBS & J. It's one of those things to educate workers on site to know what to look for; what kind of stones, what might be a mortar and pestle, what kind of remnants might be arrowheads; those kinds of things. I've never seen anything that's like this before. I think it's extremely helpful. So number 1, the biggest thing is an education process to maybe relate to things we're more familiar with. It's like wetlands and vernal pools. When you are working with guys on tractors who aren't used to thinking about vernal pools, which is "that's

pools, which is “that’s just like a mud puddle, isn’t it?” You must begin by educating them of no; it’s not just a mud puddle. You have to know what you’re looking for and educate the people on that and that’s very doable. Number 2, is specifically there are areas that we must go out and re-survey because there are areas that were just too dense with wooded areas. So before we go out there we have to get a new survey on the area because it was not complete enough. Now, for areas on the upper plateau for Phase I, it’s largely Merhten soil. Merhten is this concrete kind of substance where its volcanic mud that came down in one of the geological episodes and you can’t dig in this stuff. You can’t dig in it even with a small backhoe. You need an excavator. That’s why when we did business with the UAIC and their tracker; it’s not too difficult to understand you just don’t have too many burial grounds there because you just can’t dig in it. You can go out there and give it a shot but you can’t even go out there with a small backhoe and do a lot of good. You need a pretty large piece of equipment. In the areas that are more sparsely vegetated we had very good reconnaissance that was out there. Now, with that being said, still, if during construction any signs are found, construction ceases and you tear it apart and look at it again. I think there are lots of safeguards there in the measures.

Commissioner Young: And while if you were to develop, are there going to be, I’ll use the term, spotters on site to watch the movement of the heavy equipment, to watch the earth being moved, to maybe have someone know knowledge of the area be available?

Mr. DesJardin: People are available but once an area is surveyed, typical way to control heavy equipment is you will do a fence in the area that is the limit of work. You don’t want a guy on a piece of equipment not knowing where the boundary is. That’s where you see that orange fencing that goes typically to the tree lines; that’s how you keep equipment in the proper area. I’ve used it a great deal in the past where I’m working around wetlands, vernal pools, and oak trees. You put your orange fencing for a barrier and that’s how you control it, but you survey the area first. I would not want to see a bunch of guys out there on D10’s and D11’s and all kinds of stuff out there and scrapers and having some guy walking around on feet in front of those things. That probably would not be any OSHA requirement or any sense of safety so I would say let’s do that survey work first. That’s why the policies is set up is so that we can do the survey work first. You define your limits of work with your fencing. But again, there are some areas where we can’t do that until we go out and re-survey. That’s defined again in the EIR clearly that we must do that. Thank you.

Commissioner Spokely: Thank you sit, appreciate it. Commissioner Snyder.

Commissioner Snyder: Yes. I have a concern for staff. I don’t know where it fits or how you work it out but I think Bloomers Cut is an amazing piece of work; human work. It’s very difficult to see now. As a matter of fact, when I have visitors come to town and I want them to see it, unless they are a real, real train buff, I don’t bother because it’s a hike and it’s difficult and it’s dangerous. I didn’t see anything in any of

of the written material about the benefit of a bridge over Bloomers Cut. Bloomers Cut, to the extent that now I can take people out and say “Here, let’s walk out on this bridge. I’ll show you something really remarkable. In a half an hour I can show people how remarkable it is. To me it’s a real benefit to people who visit our community and people who live here because I would be willing to guess that less than 1 in 100 people in Auburn have seen it; taken the time to search it out and find it and now all of a sudden it’s going to be like a jewel that you can go visit easily. As a matter of fact, we’ll go see Dr. Fox’s statues and we’ll go see the Bloomers Cut and we’ll go see Old Town and then you still have time for lunch, which I think is good. I didn’t see anything in there anywhere about the benefits of that and I would like that explored.

Adrienne Graham: The draft EIR does point out that there will be visual access to it that you don’t have now and the Specific Plan has design guidelines that are specific to Bloomer Cut and talk about how there could be an overlook so you could look over the site and the other thing I’d point out that’s sort of indirectly addresses an issue that you brought up is that there will also be fencing so that it will be harder for people to get on the tracks themselves because right now as you indicate the only way to see that is look from the tracks and that’s not very safe so certainly we could discuss that some more in the staff report and as I mentioned is probably buried in the draft EIR. Draft EIR’s really aren’t very interested in the benefits of a project as opposed to the negative effects but that could be for example, an issue in something to recognize in the statement of overriding considerations in the Commission thought that was a benefit of the project.

Commissioner Snyder: I’ve been in it a couple times and you’re often tempted to visualize it you have to actually walk in the cut to appreciate it. That’s a dangerous thing to do; most people make it. I haven’t heard of anybody not making it back out but your adrenalin is going pretty hard and I think a bridge over it people my age and older could be able to experience Bloomer Cut and our ancestors.

Adrienne Graham: It is a definitely a magnificent piece of work, hence the determination that it is historically significant with respect to the railroad.

Commissioner Spokely: At this time I would like to ask the Commissioners if there are any special items that we would like staff to look into before we adjourn this meeting our November 16th hearing?

City Attorney Michael Colantuono: While the Commissioners are considering the question one comment I would like to make in response to some persistent public testimony tonight and that is the purpose of the development agreement. The development agreement is not intended to reflect the entire bargain between the developer and the city. It is not intended to be an exhaustive list of every requirement the city is going to impose on him. It is not intended to be the rules of the road for the whole development. Most developments of this type don’t have an agreement at all. The entitlement documents, which are a long series of things; the General Plan, the Specific Plan, the Zoning Ordinance, the Zoning Map, the Tract Map and the other

Map and the other permits. Each of them will come with pages and pages of conditions and those conditions will cross reference pages and pages of law. So what the developer is getting into is a very complicated set of regulatory obligations to the city that are enforced by the city pretty much in a checklist way. Each time a permit is asked for a house or a street or whatever, we go through the checklist and say "Can he have this permit?" because everything that has to be done before he gets his permit is done. The purpose of the development agreement is pretty simple. It is a contract that gives the developer a vested right to build this project consistent with these approvals, even if the city's laws otherwise change. That's important to him; very valuable. And we're getting some specific things back from him that we don't have the power to order him to do. Basically, put money in our pocket in a variety of ways. So there's a negotiation there and a trade-off there. Whether to approve that contract or not is a policy judgment for this commission to recommend to the council and for the council to decide so I'm not for or against it. I just don't want anybody to think because that's the most accessible document; the most easily the layperson can understand. It's not the whole deal and nobody should think that it should be made much, much longer than it is to protect the public from having a water supply and a sewer supply and all that stuff. It's not intended to be the total summary of the project.

Commissioner Worthington: I had some requests of further clarification details or follow-up items. The access options came up a lot and what I heard was the public wondering why there's not a secondary access off of Auburn Folsom Road. Why it is that the secondary access point that we are looking at goes through the plan area, too. I know that tabs are, appendix looks at the analysis of different options but it doesn't necessarily say why going through plan area 2 is beneficial or more beneficial than a secondary access point off of Auburn Folsom Road. So I would like some further discussion on that.

Commissioner Snyder: Comparing the second access point to the other potential ones off Auburn Folsom Road. They only compare themselves amongst the ones off Auburn Folsom. This is the best of those five. But it doesn't say number 2 off Auburn Folsom is better.

Commissioner Worthington: Correct. Correct. I also think there's a lot that we would have to approve on November 16th bringing back into discussion Councilman Hanley's question, what we would do if we felt we needed more time. Commissioner Snyder said we would continue the hearing so my understanding is we have to certify that the EIR is final and complete. That we would have that large lot subdivision tentative tract map to approve and we would have to approve the Baltimore Ravine Specific Plan with everything related to plan area one; that goes along with that. Is that the sum total of what, in addition to taking additional public comment. Is that the sum total of what would happen on November 16th and does it seem likely that all of that could be achieved on that one date? And If not, should we plan already for what that overflow date might be? There's the recommendations that the commission would be making to Council and those would have to do with the Baltimore Ravine Specific Plan, the General Plan Amendments associated with plan area one and the

plan area one and the urban high density designation. The reason for plan area one and the study areas, I should say, the large lot map for plan area one. Those plan area one approvals, the rezone; they're all designed to be consistent with the Specific Plan so they fall out of the Specific Plan. So I don't know if you accept the land use plan in the specific plan, then those documents are consistent with it so I don't know the they would generate separate discussion necessarily, except for the urban high density zone. That would be policy issue. Then there is the certification recommendation to certify the EIR with respect to the Specific Plan but also certifying it as a commission action as it pertains to the large lot map. Again, the EIR issues and the specific plan, those other things fall from the specific plan.

Planner Wong: I'm just going to address the future dates. We'll be emailing all four of you and to reserve certain dates so we'll already be coordinating with you a minimum of two dates. I would want you to hold those dates because if, in fact, you need additional hearings you will continue to a date specific on November 16th. We'll be coordinating with all four of you on certain dates and we want you to hold those until we finish.

Commissioner Worthington: So Indian Hill Road; could you please provide additional information at the November 16th hearing regarding whether or not the traffic circulation study and cumulative impacts of Baltimore Ravine considered the issue of Indian Hill Road, the safety, what-not that Eleanor Tusky brought up? She brought it up several different meetings and she was looking for the County or the City to take the lead. I don't know if that was a planned comment that was going to be addressed in the final EIR because I believe she did attend one of those hearings.

Adrienne Graham: Yes, in fact, we have her comment letter and I believe she also spoke at a hearing. When you see the final EIR you will see responses to that. We'll make sure we highlight that for the commission as well.

Commissioner Spokely: I would like to see just a brief presentation, just a little more information as to the levels of service; what that means for members of the public because I'm looking at the EIR and its all levels. If we could talk a little in depth about the level of service concerns along Indian Hill Road.

Adrienne Graham: I'm sorry, do you mean level of service in terms of the definition and how it relates to what's going on or just what the LOS is on Indian Hill with and without the project?

Commissioner Spokely: Well, we've heard from Eleanor a few times. She reiterated again tonight that there are huge traffic problems on Indian Hill Road. I drive Indian Hill Road twice a day and I've never seen any traffic congestion problem. I think she's got more site specific concerns about roads and lines of sight and coming up over the hill and down the hill and speed.

Adrienne Graham: We can address all that.

Commissioner Spokely: It would be good to talk more about that. While I'm on the same subject, traffic study related, I'd like to see a little more volume type information related to amounts of traffic anticipated on Herdal as the primary access into and out of the project.

Commissioner Worthington: And we've since approved Sisters of Mercy Senior Housing. Was that factored in, probably not to cumulative traffic counts and traffic impact. Can you just answer that question on November 16th, too? I know it's only 60 units but it was assumed that every unit had a parking spot, I believe.

Commissioner Snyder: The other question related to that was the role of the county since they control a portion of this road. What kind of input or coordination is required with the county and if none is, is it prudent not to have some input, I just don't know how that, so we just ignore the county or are they included in our discussions?

Adrienne Graham: On Indian Hill Road?

Commissioner Snyder: Yes. It's a legitimate question because we could just cut off at the city limits and say everything's fine and it's not quite fine a further down.

Adrienne Graham: That's why the EIR does go outside the city limits and really has to.

Commissioner Snyder: I assume the traffic report dealt with every intersection that's impacted by the project. All the way down to the freeway I would imagine.

Adrienne Graham: And we had some discussions with the county. Yes, including the interchange at Newcastle. We can definitely talk a little bit more about what the findings were and what that all means for Indian Hill.

Commissioner Snyder: I think that's important; especially since the confined jurisdiction could lead a citizen to think these people don't know what they're doing.

Commissioner Worthington: And then the Native American specific topic of traditional burials and remains; it was lovely that the handbook was prepared, which I actually need to track that down. I don't have that. So after the meeting if you could remind me when we received that and I'll look in my Planning Commission Packet. But that's specific to construction practices and dirt moving operations. The issue that came up several times was there may be evidence of not on the surface, but below ground of traditional burials or burial grounds or ceremonial sites or spiritual relationship between certain portions of Baltimore Ravine so maybe the adequacy of the EIR in addressing the Native American cultural resources which regard to the question of traditional burials.

Adrienne Graham: We have the archeologist who did the work. She could address that tonight or she could come back and do it on the 16th and point out that there was some perhaps, some misunderstanding about what had taken place to date because the site has been surveyed and we did spend some time out there with UAIC.

Commissioner Snyder: I would like to make sure when we use the term “surveyed”. I know we’re talking about archeological at this point in time but surveyed means different things to different people. Put the descriptor in front of it so that everybody knows that we’re not talking about people with chains measuring things. That’s what’s important because you have experts walking the ground and where necessary making excavations if they think that something’s going on. So it’s an archeological survey not measuring things.

Adrienne Graham: Right. Not a land survey. So she could actually explain what she did tonight or we could have that as part of the presentation on the 16th.

Commissioner Snyder: Well, I’d rather have her back on the 16th if she’s coming back anyway because half the audience has gone. Especially those people that were concerned with it and lots of people were but if you didn’t plan on bringing her back maybe we should so it tonight.

Planner Wong: While they’re thinking about that, just to let you know I did have a phone conversation. The Executive Director for the AUIC called me to let me know that they’re very happy with what we’ve done and very happy with the mitigations and in favor of the project so ...

Commissioner Worthington: Could they put that in writing so it’s part of the public record?

Planner Wong: and they will be providing us a letter as well. They are very happy with the contact we’ve had and the access they’ve had to our staff and bringing out their representatives and going for field investigations and so Greg Baker and I have had other opportunities to communicate with each other the last ten years so he called me personally today.

Commissioner Spokely: Is that information going to be part of the final EIR?

Planner Wong: Greg did tell me that I should be receiving a letter from him as well.

Commissioner Spokely: Outside of the comment area EIR?

Planner Wong: They did not comment because we had worked with them before and they were happy with the draft EIR; but he did tell me today, he made it a point to call me and he will be providing us a letter as well.

Commissioner Snyder: It's important that the recognized tribal leaders weigh in on this.

Planner Wong: We had, in the very beginning, made contact with them and I called Greg myself and we had made contact; PBS & J consultants met and had several meetings out there on site with their representatives and their trackers so they're very happy with the work we've done in the beginning and with the mitigations.

Commissioner Young: May I ask just one more thing that we might be able to do on the 16th is that most the stuff we heard tonight was cultural and the Herdal access. Whether they knew it or not when they bought their homes; I would like to hear what the other choices were for access and why we decided not to use those and why Herdal seems to be the best because we may have it in the reports but not everybody is reading the reports and taking the opportunity to look at that and the traffic study that was done for Herdal. Just to bring that up just a little bit more so that the people understand the traffic issues and the access points; why we didn't take Indian Hill Road; why we didn't take other spots. I think that would be good for the public to hear that.

Adrienne Graham: Yes, definitely we can do a presentation.

Commissioner Snyder: So a verbal description of the thought process, the input that led you to Herdal. I've looked at all those accesses very carefully and just to set an example; if you take off just a nice little cut-out in the park or a nice little street end you could say "Oh, we'll just go right through here". But you wipe out a third of the recreation park by doing that. All kinds of bells and whistles go off doing something like that.

Commissioner Spokely: And you're in somebody else's backyard doing that.

Commissioner Snyder: And so we need to march through each one of those, compare them and I like Lisa's idea. Let's also compare it to the other second access. I guess you're assuming that one could be eliminated and two could be off Auburn Folsom Road.

Commissioner Worthington: Well, we should have the full analysis presented.

Adrienne Graham: We have some good exhibits that we could use to do that so they could they'd be readable.

Commissioner Young: I think it's really important that we do exactly what they're saying because many people are saying that Herdal is not the road to take because we're going to put all this traffic on Herdal, and I might agree with them, but I would like to be given the opportunity to be educated; to decide whether it is good or not.

Commissioner Snyder asked if members of the Commission thought of questions between this meeting and November 16th, whether they could notify staff of those questions.

Planner Graham indicated that staff would be glad to take any questions.

City Attorney Colantuono commented that as long as the communications were individual communications between staff and not dialogues between more than two Commissioners.

Commissioner Snyder commented that if an extension beyond November 16th is necessary, it should only be for some new issue that the Commission hasn't been exposed to previously.

Chair Spokely asked whether planting trees in the 5' wide planter in the Herdal Drive median would be practical.

Planner Murray noted that smaller trees can be placed in the median and that they would provide a visual screen.

Commissioner Snyder noted that a small tree wouldn't compromise the retaining wall in the median.

Applicant Des Jardins reviewed the planting specifications for trees in the median and that smaller trees would be planted.

Commissioner Snyder questioned whether Commissioners can participate in future hearings should they miss a hearing.

City Attorney Colantuono noted that if a Commissioner missed a meeting they could review all materials and participate in future hearings.

Chair Spokely questioned the status of a letter submitted by Charles Waterman since it was received after the close of the public comment period.

Planner Graham confirmed that the letter was received after the close of the comment period and as such wouldn't be included in the FEIR. However, it is part of the public record and any new issues will be responded to in future reports.

Chair Spokely adjourned the meeting to November 16, 2010.

VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

- A.** City Council Meetings
None
- B.** Future Planning Commission Meetings
None

- C. Reports
None

VII. PLANNING COMMISSION REPORTS

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

None

VIII. FUTURE PLANNING COMMISSION AGENDA ITEMS

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

None

IX. ADJOURNMENT

The meeting adjourned at 9:01 p.m.

Respectfully submitted,

Reg Murray